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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,354	04/25/2001	Hrissanthi Ikonomidou	HRIS-1	7746

23599 7590 09/30/2003

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EXAMINER

DESAI, ANAND U

ART UNIT	PAPER NUMBER
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1653

DATE MAILED: 09/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/830,354		IKONOMIDOU, HRISSANTHI	
	<b>Examiner</b>		<b>Art Unit</b>	
	Anand U Desai		1653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-37 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \*   c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

Group I, claim(s) 1-7, and 34, drawn to a method of treating cancer comprising administering an inhibitor of the  $\alpha$ -amino-3-hydroxy-5-methyl-4-isoxazolepropionate (AMPA) receptor complex.

Group II, claim(s) 8-14, drawn to a method of treating cancer comprising administering an inhibitor of the kainate receptor complex.

Group III, claim(s) 15-21, drawn to a method of treating cancer comprising administering an inhibitor of the NMDA receptor complex.

Group IV, claim(s) 1, 22, 23, 35-37, drawn to a method of treating cancer comprising administering a glutamate release inhibitor.

Group V, claim(s) 8, 24, 25, drawn to a method of treating cancer comprising administering a glutamate synthesis inhibitor.

Group VI, claim(s) 8, 26, 27, drawn to a method of treating cancer comprising administering an agent that accelerates glutamate uptake.

Group VII, claim(s) 8, 28, 29, drawn to a method of treating cancer comprising administering an agent that interacts with glutamate and prevents glutamates binding to a kainate receptor.

Group VIII, claim(s) 8, 30, 31, drawn to a method of treating cancer comprising administering a glutamate transporter activator.

Group IX, claim(s) 8, 32, 33, drawn to a method of treating cancer comprising administering an antibody.

Group X, claim(s) 6, 37, drawn to a combined preparation of an inhibitor of the interaction of glutamate with the AMPA receptor complex and a cytostatic agent.

The inventions listed as Groups I-X do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The Groups I-III are directed to a method of using an inhibitors which bind different glutamate receptors. The Groups IV-VI, and VIII affect glutamate release, synthesis, uptake and transport. The inhibitors in Groups I-X have different structures and functions. Further, Groups I-IX are multiple methods, and PCT Rules 13.1-13.2 do not allow for multiple methods.

Art Unit: 1653

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

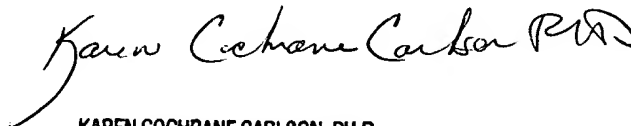
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anand Desai whose telephone number is (703) 305-4443. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on (703) 308-2923. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0198.

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September 22, 2003



KAREN COCHRANE CARLSON, PH.D  
PRIMARY EXAMINER